

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

IN RE: DIANE ST. AMOUR

**BK No: 17-10560
Chapter 13**

CONSENT ORDER

The mortgage servicer, U.S. Bank Trust, N.A., as Trustee for LSF9 Master c/o Caliber Homes Loans, Inc., has filed an original claim 5-1, amended claim 5-2 and a subsequent amended claim 5-3 seeking payment for certain pre bankruptcy mortgage arrearages. The Debtor has filed an objection to said claim and has disclosed in her bankruptcy schedules and proposed plan that she intends to commence an action seeking damages against U.S. Bank Trust, N.A., as Trustee for LSF9 Master c/o Caliber Homes Loans, Inc. and other entities regarding the servicing of her mortgage loan. The parties have reached an agreement to resolve this contested matter. Accordingly, it is **ORDERED, ADJUDGED AND DECREED** as follows:

1. For purposes of this bankruptcy proceeding and without prejudice to future litigation, the objection to claim number 5 shall be sustained and the mortgage servicer shall not receive any payments from the Chapter 13 Trustee regarding said claim;
2. Nothing contained in this order shall be construed to alter, modify or amend in any way the extent and validity of the mortgage lien and note referenced in the proof of claim and amendments pertaining thereto;
3. It is specifically agreed between the parties that the Discharge Order in the underlying bankruptcy case SHALL NOT be applicable to the mortgage and note and any pre and/or post bankruptcy arrearages that may be due and owing by the Debtor;
4. It is specifically understood that the Debtor and her non Debtor spouse or both will be commencing a lawsuit asserting claims for damages and or other relief pertaining to the servicing of the subject mortgage. Any lawsuit shall be commenced in a Court of competent jurisdiction within 90 days of the entry of this Order;

5. The confirmation order shall incorporate the provisions referenced herein;
6. The Chapter 13 bankruptcy estate does not have any interest in the future litigation referenced herein;
7. This Order is entered with the consent of the Chapter 13 Standing Trustee.

Assented to:

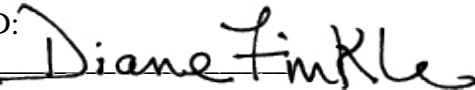
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Attorney for Claimant

Attorney for Debtor

APPROVED:  02/06/2018

Diane Finkle
United States Bankruptcy Judge

CERTIFICATION OF SERVICE

I hereby certify that on January 23, 2018, I electronically filed a Consent Order with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF System. The following participants have received notice electronically: Office of the U.S. Trustee, John Boyajian, Esq. and Tatyana P. Tabachnik, Esq.; I hereby certify that I have mailed by United States Postal Service, postage pre-paid, the document and a copy of the Notice of Electronic Filing to the following non CM/ECF participants: None

/s/Maria J. Ferreira